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CORPORATION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARIAN DIRKZWAGER,

Plaintiffs,

v.

COSTCO WHOLESALE
CORPORATION, and DOES 1 to 50,
inclusive,

Defendant.

Case No. 2:22-CV-002215-TLN-CKD

**STIPULATION AND ORDER TO
CONTINUE TRIAL DATE**

Complaint filed: June 3, 2022
Trial date: August 18, 2025

The Parties, by and through their counsel, hereby request and stipulate that this Court enter an Order continuing the Trial date of August 18, 2025, as well as the Final Pretrial Conference set for May 29, 2025. In support of this Stipulation to continue the Trial date and Final Pretrial Conference, the parties would jointly show the Court the following:

1. The parties wish to explore settlement and resolution of Plaintiff's claim. The parties are amenable to further settlement negotiations through either a Settlement Conference, or private mediation, as might be appropriate under the circumstances. The parties believe that further settlement negotiations can be productive and worthwhile, but they will need additional time to engage in such settlement negotiation in an orderly fashion than what would otherwise be available

1 to them given the current Final Pretrial Conference and Trial dates in this case.

2 2. As a result of Orders by other courts, counsel for both parties have conflicts with
3 other trials that they have been unable to alter or change. Plaintiff's counsel has a date certain trial
4 that was set by the Superior Court of Alameda County for August 15, 2025. That date was set by
5 the Court, on its own motion, continuing a previously set trial date. Plaintiff's counsel also has a
6 trial scheduled to start on September 8, 2025, in the Sacramento County Superior Court that must
7 proceed forward because it is beyond the five-year trial deadline established by California Code of
8 Civil Procedure §583.310.

9 3. Defense counsel also has a conflict in that he is set to start a trial in Tulare County,
10 California on August 11, 2025. This trial date was set by the Tulare County Superior Court in
11 August 2024. Despite efforts by the parties to this case, including a mediation in March 2025, to
12 date, they have been unable to resolve the Tulare County case.

13 4. A Settlement Conference previously set for October 1, 2024, was vacated. (Minute
14 Order No. 17) The parties are amenable to further settlement negotiations, and they are notifying
15 the Court that they wish to schedule another Settlement Conference. (Minute Order No. 20) This is
16 the first request to continue a Trial Date by the parties.

17 5. The parties respectfully submit to this Court that good cause exists for continuing
18 the Final Pretrial Conference and Trial date because of their mutual desire to engage in settlement
19 negotiations, through either a Settlement Conference or private mediation, to attempt to settle
20 Plaintiff's claim to avoid the costs and expenses of trial, as well as unnecessary use of judicial
21 resources to resolve this case. Also, both counsel have unavoidable conflicts that will prohibit their
22 ability to prepare this case for trial in an orderly fashion, or to be available at the time set for this
23 Trial.

24 WHEREFORE, both Plaintiff and Defendant, through their counsel, hereby move this Court
25 to continue the Final Pretrial Conference date to TBD, and the trial date to June 2026, or as soon
26 thereafter as may be convenient for this Court's schedule.

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3 DATED: 05/19/2025

BY: DEL RIO & CARAWAY P.C.

4
5 ___/s/ Daniel R. Del Rio_____
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2335 American River Drive #200
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8

9 DATED: 05/19/2025

BY: MATHENY, SEARS, LINKERT & JAIME

10
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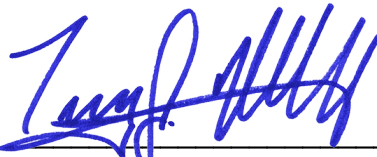
ORDER CONTINUING TRIAL

Having considered the Stipulation of the parties herein, and good cause having been shown, the Court hereby orders that the trial date of August 18, 2025, and the Final Pretrial Conference date of May 29, 2025, are hereby vacated.

1. The Court hereby orders that a jury trial is SET for June 1, 2026, at 9:00 a.m.
2. The Court further orders that a Final Pretrial Conference is SET for April 2, 2026, at 1:30 p.m.
3. Both the jury trial and the Final Pretrial Conference shall be held in Courtroom 2, before Chief District Judge Troy L. Nunley. The parties shall file a Joint Pretrial Conference Statement not later than March 26, 2026, pursuant to local rule 281(a)(2) and (b).

IT IS SO ORDERED.

Dated: May 20, 2025



Troy L. Nunley
Chief United States District Judge

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